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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/595,041 | 01/11/2006 | Martin John Lenzini | TOPT0101 PUSA | 1719 |
| 22045 | 7590 | 03/20/2009 | | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | EXAMINER WATSON, ROBERT C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3723 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,041

Applicant(s)

LENZINI, MARTIN JOHN

Examiner

Robert C. Watson

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 4-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seger in view of Wilkins.

Seger shows a vacuum hold-down device whereby a base member 20,14 and a work support 10 with means for securing a workpiece are held together by vacuum through vacuum port 16 as per column 2 lines 57-62. The base plate is connected to a vacuum pump. The work support 10 provides securing means for securing a workpiece as per column 2, lines 39-56.

Wilkins teaches that a vacuum fixture may be connected to a source of compressed air and a venturi can be installed in the vacuum fixture to achieve the vacuum. To install a venturi in the base plate of Seger would have been obvious in view of the teachings of Wilkins. One skilled in the art would have been motivated to do this in order to create the vacuum using a more convenient source of compressed air.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seger in view of Wilkins and further in view of Davis.

The examiner takes Official Notice that pressure regulators, check valves, poppet valves, bypass valves, shuttle valves, and shut-off valves in fluid circuits are well known. Accordingly, to provide a bypass valve supra for whatever reason desired

supra would have been obvious for one skilled in the art. For example bypass valves could be provided if the pressure is too high or if the vacuum is too low or if the pressure is too low or the vacuum is too high. To provide a bypass valve for any of these reasons would have been obvious for one skilled in the art. Alternatively, Davis teaches using a shuttle valve for bypassing fluid intended to go through a venture. To provide a shuttle valve supra for the venturi for whatever reason would have been obvious in view of Davis.

Claims 4-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/18/06.

Applicant's remarks have been given careful consideration. Applicant apparently takes the position that work support 10 of Seger is not held to base member 20,14 by vacuum. It is respectfully submitted that applicant's position flies in the face of column 2 lines 57-62 of Seiger. Applicant has completely overlooked the vacuum port 16 which achieves vacuum holding of work support 10 to base member 12,14. It is noted that applicant discusses at great length various locking couplers. However, this discussion is found to be off point and extraneous to the fact that vacuum through port 16 attaches the work support 10 to the base member 20,14. The fact that Seiger shows something in addition to the vacuum holding does not detract from the fact that Seiger has the claimed vacuum holding. **Whether Seiger does or does not include "couplers" has no bearing on the fact that work support 10 is held to base**

member 20,14 at some point in time by vacuum by virtue of port 16. It is noted that applicant's remarks failed to discuss the functioning of vacuum port 16 in Seiger. It is the examiner's position that the elimination of the couplers in Seiger would be obvious. Since it has been held that the elimination of an element with the loss of its function is obvious. With couplers eliminated the sole holding of the work support 10 on the base member 20,14 would be vacuum. Further, applicant's remarks are not found to be commensurate with broad scope of claim 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert C. Watson/

Primary Examiner, Art Unit 3723

rcw